IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Revn. No. 45 of 2006

DATE OF DECISION : 12.02.2007

Rachpal Singh

.... PETITIONER

Versus

State of Punjab and others

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. S.P.S. Sidhu, Advocate,
for the petitioner.

* * *

Petitioner Rachpal Singh has filed this Criminal Revision against the order dated 28.9.2005, passed by Additional Sessions Judge, Ferozepur, whereby the revision petition filed by respondents No.2 and 3 against the order dated 12.2.2004, passed by Judicial Magistrate Ist Class, Ferozepur in case FIR No. 142 dated 27.9.2004 registered at Police Station Mamdot, under Sections 406/420/506 IPC, has been allowed and the order dated 12.2.2004 framing charge against respondents No.2 and 3 has been set aside.

2. I have heard counsel for the petitioner and gone through the orders, passed by the courts below.

3. The aforesaid FIR was registered on the complaint made by petitioner Rachpal Singh alleging therein that in the year 2002, he along with two others had sold his wheat crop worth Rs. 2,62,000/- through respondents No.2 and 3, who had been running their commission agents shop, but they did not pay any amount of the sale of wheat crop to the petitioner-complainant.

4. Vide order dated 12.2.2004, the trial court framed charge under Sections 406/420/506 IPC against respondents No.2 and 3, against which they filed revision petition and the same was allowed by the revisional court vide order 5.9.2005, while observing as under :-

> "The brief resume of the complaint lodged by the complainant, as given above, shows that the matter between the parties was of civil nature. It was a case of money dealings between them. From the contents of the complaint no criminal offence is made out against the revision petitioners. During the course of investigations it has also come on record that on 11.5.2002 a sum of Rs. 1,10,000/- was also paid by the revision petitioners to the complainant by way of a cheque drawn on Punjab & Sind Bank, Ferozepur Cantt. One of the complainants, Fauja Singh was Police Inspector posted in police station Vigilance Bureau, Ferozepur, against whom both the revision petitioners had filed civil suit for permanent injunction for restraining him from claiming any amount from them by way of detention or through any other coercive method. This case was nothing but an off-shoot of that civil suit filed against one of the complainants. The complaint lodged in the case was nothing but an abuse of process of the court. The learned trial court committed an error in holding the prosecution having made prima facie case for framing charge under Sections 406/420/506 IPC. None of the ingredients for the offence for which the revision petitioners were charge sheeted stood made out. As such, this revision petition is accepted and order under revision is set aside holding the revision petitioners entitled to be discharged in the case. Ordered accordingly. Lower court record be returned alongwith copy of this order and file of the revision petition be consigned to the record room."

Against the said order, the instant revision petition has been filed by the petitioner-complainant.

5. Counsel for the petitioner could not point out any illegality or irregularity in the impugned order, which requires interference by this court in its revisional jurisdiction. He does not dispute the pendency of the civil dispute pending between the parties. Since the dispute between complainant and the accused is purely of civil nature, therefore, I do not find any ground to interfere in the order of discharge, passed by the revisional court.

6. Dismissed.

February 12, 2007 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**